

## REMARKS

The present application contains claims 25, 28-36, and 39-45. Applicants have amended claims 30 and 31 to better point out and claim their invention. Claims 25, 28-29, 32-36 and 39-45 remain as amended in applicants' previous response filed October 11, 2010. Applicants request reconsideration of the claims in view of the amendments and accompany remarks.

### **35 U.S.C. § 112 Rejections of Claims 30 and 31**

Claims 46-47 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and claim applicants' invention. In particular, the examiner contends that the term "parameter set information" lacks antecedent basis in the claims. Applicants' claims now recite "parameter information" which has ample antecedent basis. As now amended, claims 30 and 31 comply with 35 U.S.C. § 112 and applicants request withdrawal of that rejection.

### **35 U.S.C. § 103(a) Rejection of Claims 25-27, 32, 34-38, 43 and 45-47**

Claims 25-27, 32, 34-38, 43, and 45-47 stand rejected under 35 U.S.C. § 103(a) as obvious in view of US Patent 6,134,243 in the name of Annie Jones et al (hereinafter, "the Jones et al. patent". ) Applicants traverse the rejection.

The Jones et al. patent recites a technique for processing media data (e.g., audio-visual files) by including data indicating the manner in which such data should undergo transmission. In particular, the Jones et al. patent suggests embedding such data in a hint track in the file.

With regard to the Jones et al. patent, the examiner acknowledges that this reference remains silent regarding applicant's feature of embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file. However, the examiner relies on the statement at Col. 24, lines 55-57 of Jones et al. regarding the storage of SDP information in user data atoms in the hint track to suggest embedding parameter information in the SDP.

As discussed in applicants' prior response, Jones et al. does not contain any disclosure or suggestion of **embedding** the parameter information in the Session Data Protocol payload in the hint track. At best, Jones et al. discloses the desirability of embedding the Session Data Protocol (SDP) information in the hint track. However, Jones et al. says nothing about embedding anything in the SDP itself.

When viewed in its entirety, the Jones et al. patent teaches the desirability of embedding parameter information and SDP information in the hint track so both the SDP information and the parameter information reside at the same protocol layer. A skilled artisan, having knowledge of the Jones et al. patent would not be lead to conceive of the benefit of embedding the parameter information in the SDP information so that the parameter information now resides at a lower protocol layer.

As discussed in applicants' specification at page 7, lines 19-24, embedding the parameter information in the SDP information affords the advantage of eliminating the need for the client to possess any knowledge of the media format. Using applicants' claimed invention, the parameter information can exist within any format with the SDP because the server now only needs to handle the SDP information which has a known format. With applicants' claimed invention, a server need not concern itself with the parameter information because the server does not actually handle the parameter information. Embedding the parameters in the same protocol layer in the hint track as the SDP information, as taught by Jones et al, requires that the server have knowledge of the parameter information, and in particular, the format of such information, something that applicants' claimed invention eliminates.

Based on the foregoing, the Jones et al. patent would not suggest applicants' claimed invention, and indeed, actually teaches away from it. For this reason, applicants' claims 25-27, 32, 34-38, 43, and 45-47 are non-obvious in view of and thus patentable over, the Jones et al. patent. Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of these claims.

### **35 U.S.C. § 103(a) Rejection of Claims 28 and 39**

Claims 28 and 39 stand rejected under 35 U.S.C. § 103(a) as obvious over the Jones et al. patent, in view of US Published Application 2005/0004968 in the name of Jari Mononen et al. (hereinafter, "the Mononen et al. published application"). In rejecting claims 28 and 39, the examiner contends that Jones et al. suggests

applicants' features of embedding the parameter information, but fails to disclose encoding the parameter information in Multipurpose Internet Mail Extensions (MIME). To overcome the deficiency of Jones et al., the examiner relies on the Mononen et al. published application. Applicants traverse the rejection.

As discussed above, the Jones et al. patent fails to suggest applicants' feature of embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file. Indeed, the Jones et al. patent teaches away from this claimed feature.

The Mononen et al. published application concerns a technique for sharing information among mobile terminals in a wireless network. An information server receives request from mobile terminals, each of which makes use of a special protocol to address the server.

The system architecture disclosed in the Mononen et al. published application admittedly makes use of MIME to define rules for labeling different types of transmissions. Further, the Mononen et al. published application makes use of the Session Initiation Protocol/Session Description Protocol (SIP/SDP) for instant messaging and rich call session control. However, the Monson et al. published application does not remedy the deficiency of the Jones et al. patent. Like the Jones et al. patent, the Mononen et al. published application does not disclose or suggest embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file, as recited in claims 25 and 36 from which claims 28 and 29 depend, respectively. Therefore, the combination of Jones et al. and Mononen et al. fail to disclose or suggest all of the features of claims 28 and 39.

Given that the combination of Jones et al. and Mononen et al. fail to teach all of the features of applicants' claims 28 and 39, these claims patentably distinguish over the art of record. Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of these claims.

### **35 U.S.C. § 103(a) Rejection of Claims 29-31, 33, 40-42 and 44**

Claims 29-31, 33, 40-42 and 44 stand rejected under 35 U.S.C. § 103(a) as obvious over the Jones et al. patent, in view of the MPEG 2001/N4858 publication. In rejecting these claims, the examiner contends that Jones et al. teaches everything recited in these claims except transmitting the parameter information out-of-band. For

this teaching, the examiner relies on the MPEG 2001/N4858 publication. Applicants traverse this rejection.

As discussed above, the Jones et al. patent teaches away from applicants' feature of embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file.

The MPEG 2001/N4858 publication concerns storage of AVC (Advanced Video Coding) content for MPEG 4 files. In particular, the MPEG 2001/N4858 publication states in Section 3.14 that each slice undergoes decoding against a set of parameter values, which are presumably sent out of band or in stream.

The MPEG 2001/N4858 publication does not remedy the deficiency of the Jones et al. patent. Nowhere does the MPEG 2001/N4858 publication disclose or suggest embedding the parameter information in a Session Description Protocol (SDP) payload of a hint track of the file, as recited in claims 25 and 36 from which claims 29-31, and 33 and claims 40-42, and 44 depend, respectively. Thus, the combination of the Jones et al. patent and the MPEG 2001/N4858 publication does not disclose all of the features of claims 29-31, 33, 40-42 and 44. Accordingly, applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of these claims.

## Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. **07-0832**.

Respectfully submitted,  
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